

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Louis Woo on 5/18/10.

#### **The application has been amended as follows:**

Claim 1. (Currently Amended) A gas-treatment device for use with a tracheostomy tube, the device including an elongate housing adapted for connection to the tube to extend generally transversely of the tube, a gas passage in the housing and a gas-treatment unit mounted with the housing, characterized in that the gas-treatment unit is displaceable by rotation relative to the housing about an axis generally transverse to the tube from a first position in which gas can flow from the tube through the gas-treatment unit via the gas passage, to a second position in which the gas passage is substantially blocked preventing flow of gas out of the machine end of the tracheostomy tube, wherein the gas-treatment unit includes a heat and moisture exchanger element.

Claim 7. (canceled)

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: when read in light of the limitations of the claimed apparatus of a gas treatment device, the prior art by itself or in combination does not disclose a gas-treatment unit that is displaceable by rotation relative to a housing about an axis generally traverse to a tracheostomy tube, wherein the gas-treatment unit includes a heat and moisture exchanger element.
3. The closest prior art references are Fini (6,968,841), Huchon et al. (5,259,378) and Persson (2002/0156527), all of which relate to heat and moisture exchange units for use with a tracheostomy tube and Clawson (6095135) who related to a moveable valve. The prior art of record does not disclose the specific structure related to a gas-treatment unit that is displaceable by rotation relative to a housing about an axis generally traverse to a tracheostomy tube, wherein the gas-treatment unit includes a heat and moisture exchanger element as recited in claim 1. The prior art of record lacks the teaching or suggestion of combination of this specific gas-treatment rotation in order to open and close a passageway.
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL T. YOUNG whose telephone number is (571)270-1481. The examiner can normally be reached on mon-thurs 7 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RACHEL T YOUNG/  
Examiner, Art Unit 3771

/Justine R Yu/  
Supervisory Patent Examiner, Art Unit 3771